

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

- - - - - x
UNITED STATES OF AMERICA :

-v-

: **INDICTMENT**

GILBERTO MORALES,
a/k/a "Pelon," and
KEVIN WADE NELSON,
a/k/a "Jaime," :

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:

DATE FILED: APR 16 2007

- - - - - x
COUNT ONE

The Grand Jury charges:

1. From in or about 2005 through and including in or about May 2006, in the Southern District of New York and elsewhere, GILBERTO MORALES, a/k/a "Pelon," and KEVIN WADE NELSON, a/k/a "Jaime," the defendants, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that GILBERTO MORALES, a/k/a "Pelon," and KEVIN WADE NELSON, a/k/a "Jaime," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about May 6, 2006, KEVIN WADE NELSON, a/k/a "Jaime," the defendant, delivered cocaine to a co-conspirator not named as a defendant herein (the "CC").

b. On or about May 10, 2006, in the Bronx, New York, another co-conspirator not named as a defendant herein possessed approximately 6.4 kilograms of cocaine.

c. On or about May 11, 2006, GILBERTO MORALES, a/k/a "Pelon," the defendant, spoke by telephone with the CC.

d. On or about May 11, 2006, GILBERTO MORALES, a/k/a "Pelon," the defendant, met with the CC for the purpose of obtaining money.

(Title 21, United States Code, Section 846.)

Forfeiture Allegation as to Count One

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, GILBERTO MORALES, a/k/a "Pelon," and KEVIN WADE NELSON, a/k/a "Jaime," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the said violation and any and all property used or

intended to be used in any manner or part to commit and to facilitate the commission of said violation.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of GILBERTO MORALES, a/k/a "Pelon," and KEVIN WADE NELSON, a/k/a "Jaime," the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of GILBERTO MORALES, a/k/a "Pelon," and KEVIN WADE NELSON, a/k/a "Jaime," the defendants, up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)

Mark Chao
FOREPERSON

Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INDICTMENT

S6 06 CR 518 (SHS)

(Title 21, United States Code, Section 846.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Mark Chao
Foreperson.

Indictment filed

F. Maas USM-5

RC
4/16/07